

# Exhibit “D”

Affidavit of Dr. Willard W. Mosier

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EARNEST REED (AIS#111914),

Plaintiff,

v.

DR. JEAN DARBOUZE, *et al.*,

Defendants.

CIVIL ACTION NO.  
2:05-CV-770-T

**AFFIDAVIT OF DR. WILLARD W. MOSIER**

STATE OF ALABAMA

COUNTY OF MONTGOMERY

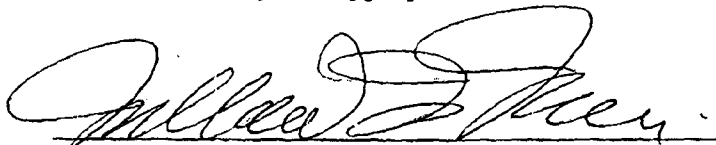
Before me, the undersigned Notary Public, personally appeared DR. WILLARD W. MOSIER who, after being duly sworn, states as follows:

1. My name is Dr. Willard W. Mosier. I am over the age of nineteen (19) years, and I have personal knowledge of the information contained in this affidavit.
2. I am presently employed by Prison Health Services, Inc. ("PHS") as the medical physician at St. Clair Correctional Facility and previously served as PHS' State Medical Director. I am currently licensed to practice medicine in the State of Alabama.
3. On February 20, 2004, my records indicate Dr. Victoria W. Anderson ("Dr. Anderson"), who was then a medical doctor employed by PHS at the Easterling Correctional Facility, submitted a request for referral of inmate Earnest Reed ("Reed") to see a surgeon for hernia repair. Rather than referring Reed for surgical evaluation at the time, I suggested that

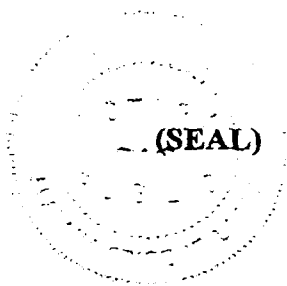
Reed use a truss, an undergarment used to hold the hernia in place, to relieve any pain and discomfort he was having.


4. My decision to suggest non-surgical treatment of Reed's hernia condition was based upon the general principle that all non-surgical options should be exhausted prior to consideration of surgical options, so long as such action does not harm the patient or needlessly prolong his or her pain or suffering. Based upon my experience and medical judgment, I believed it was medically appropriate to utilize non-surgical treatment for a period of time or until the hernia became incarcerated (i.e. no longer reducible or capable of being pushed back into place) or in a poor position. Based upon my understanding of Reed's present medical condition, I believe the care provided to Reed was both timely and appropriate.

Further affiant sayeth not.

  
Dr. Willard W. Mosier

SWORN TO and SUBSCRIBED before this the 26 day of September, 2005.



  
Notary Public  
My Commission Expires: 2/11/08